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# Notice of Allowability

Application No.

09/876,925

Applicant(s)

DIAMOND ET AL.

Examiner

Yicun Wu

Art Unit

2175

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5-21-2004.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☒ The drawings filed on 11 June 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

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DIANE D. MIZBAHI  
PRIMARY PATENT EXAMINER  
TECHNOLOGY CENTER

**III. DETAILED ACTION**

1. Claims 1-18 are presented for examination.

**Allowable subject Matter**

2. Claims 1-18 are allowed over the prior art made of record.

3. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record (Eberman et al. (U.S. Patent 6,173,584,468) and Gabriel et al. (U.S. Patent 6,584,468)) does not disclose, teach or suggest the claimed limitations of (in combination with all other features in the claims):

each category of metadata comprising at least one set of metadata assigning at least one weight to each set of metadata, wherein a value of each weight is determined in accordance with a content of each set of metadata; and

calculating a score for ranking the relevancy of each search result, wherein a score is calculated for each search result in accordance with the at least one assigned weight and category of each set of metadata, as claimed in claim 1.

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The prior art of record (Eberman et al. (U.S. Patent 6,173,584,468) and Gabriel et al. (U.S. Patent 6,584,468)) does not disclose, teach or suggest the claimed limitations of (in combination with all other features in the claims):

each category of metadata comprising at least one set of metadata; means for causing the processor to assign at least one weight to each set of metadata, wherein a value of each weight is determined in accordance with a content of each set of metadata; and means for causing the processor to calculate a score for ranking the relevancy of each search result, wherein a score is calculated for each search result in accordance with the at least one assigned weight and category of each set of metadata, as claimed in claim 8.

The prior art of record (Eberman et al. (U.S. Patent 6,173,584,468) and Gabriel et al. (U.S. Patent 6,584,468)) does not disclose, teach or suggest the claimed limitations of (in combination with all other features in the claims):

each category of metadata comprising at least one set of metadata; an assign weight code segment for assigning at least one weight to each set of metadata, wherein a value of each weight is determined in accordance with a content of each set of metadata; and a calculate score code segment for calculating a

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score for ranking relevancy of search results of a search for the media on a communications network, wherein a score is calculated for each search result in accordance with the at least one assigned weight and category of each set of metadata., as claimed in claim 13.

The prior art of record (Eberman et al. (U.S. Patent 6,173,584,468) and Gabriel et al. (U.S. Patent 6,584,468)) does not disclose, teach or suggest the claimed limitations of (in combination with all other features in the claims):

each category of metadata comprising at least one set of metadata, wherein the category comprises at least one of artist of the mls media, type of mls media, date the mls media was created, and creation location of the mls media; assigning at least one weight to each set of metadata, wherein: a value of each weight is determined in accordance with a content of each set of metadata; and the value of each weight is determined in accordance with at least one of bit rate of the mls media, duration of the mls media, sampling rate of the mls media, a number of occurrences of a term in a set of metadata, a number of links to a referenced web site in a set of metadata, a file type of the mls media, and a number of terms occurring between specified query terms in a web page; and calculating a score for

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ranking the relevancy of each search result, wherein a score is calculated for each search result in accordance with the at least one assigned weight and category of each set of metadata, as claimed in claim 18.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yicun Wu whose telephone number is 703-305-4889. The examiner can normally be reached on 8:00 am to 4:30 pm, Monday -Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yicun Wu  
Patent Examiner  
Technology Center 2100

August 12, 2004

DIANE D. MIZBAHI  
PRIMARY PATENT EXAMINE  
TECHNOLOGY CENTER 2100